

## Campaign

**Michael S. Mitchell, CPA  
Bob Dutton for Assembly  
Dated January 18, 2002  
Our File Number: A-01-210**

**Mike Voorhees, Treasurer  
Friends of Sheriff Jim Piccinini  
Dated January 3, 2002  
Our File Number: A-01-246**

**Jason D. Kaune  
McNally Temple Associates  
Dated January 22, 2002  
Our File Number: I-01-292**

**Peter A. Bagatelos  
Bagatelos & Fadem, LLP  
January 22, 2002  
Our File Number: I-01-297**

**James R. Sutton  
Nielsen, Merksamer, Parrinello, Mueller &  
Naylor, LLP  
Dated January 31, 2002  
Our File Number: I-02-001**

**Fiona Ma, Treasurer  
Re-Elect Treasurer Susan Leal  
Dated January 30, 2002  
Our File Number: A-02-005**

**Gregory Reese  
California State Assembly  
Dated January 25, 2002  
Our File Number: A-02-016**

The exception to the contribution limits provided in section 85301(d) does not apply to contributions from an entity's fund to a candidate's campaign.

Campaign funds may be used to make contributions to other candidates so long as the expenditure is reasonably related to a political, legislative or governmental purpose.

There is not a conclusive presumption of coordination between candidate and committee when the candidate and committee employ the same political consultant.

A committee that is either directly or indirectly controlled by a candidate is a controlled committee. The term "related committee" as used in Section 5 of Form 460 is not intended to be substantively definitional of another category of committee under the Act.

Government Code § 84106.5 continues to be printed in Deering's "Official Codes of California," but is not printed in the version of the Act published by the FPPC, since the FPPC was enjoined from enforcing the statute, on constitutional grounds, in 1991.

Campaign funds may be transferred between a local candidate's committees. However, if the funds transferred are surplus, the committee receiving the funds may spend the funds in accordance with the "surplus funds" rules.

The involvement of a candidate in the composition of a photograph and in drafting a statement to the specifications of a committee that will use them in a brochure supporting the candidate is a level of coordination that precludes classification of the brochure as an "independent expenditure."

## Conflicts of Interest

**Quinn M. Barrow, City Attorney**  
**City of Seal Beach**  
**Dated January 28, 2002**  
**Our File Number: A-01-260**

A public official whose spouse is employed by a subsidiary of a corporate entity that owns a large parcel of mostly undeveloped property did not have a disqualifying conflict of interest that would preclude him from appointing a committee member to the city council's "citizen's committee" if he has no financial interest in the appointment decision, has no discussion or understanding with the potential appointee regarding preferred uses of the property, and the potential appointee has taken no position or otherwise expressed opinions regarding the preferred use of the property. However, the official does have a disqualifying conflict of interest as to other decisions related to the corporation's development of the property.

**T. Brent Hawkins**  
**City of Brentwood**  
**Dated January 11, 2002**  
**Our File Number: A-01-261**

The effect of merged redevelopment areas in a city results in disqualification of city council members even though individual governmental decisions originally may have impacted only one redevelopment area.

**Lynn G. Bedford, Supervisor**  
**San Joaquin County Board of Supervisors**  
**Dated January 29, 2002**  
**Our File Number: I-01-266**

A county supervisor with property on the border of the new town community about which the board of supervisors will have to make various decisions over the next several years will have to consider each decision on a case-by-case basis, following the steps of the conflict-of-interest analysis outlined in the letter and applying the standards appropriate to each specific decision.

**Ronald R. Ball**  
**City of Carlsbad**  
**Dated January 23, 2002**  
**Our File Number: A-01-279**

A city council member who previously was found to have a conflict of interest in a decision regarding the placement of a desalination plant near his home, is now allowed to participate in the decision. The letter applies an exception to the rule that the distance from real properties involved in a conflict analysis is measured from parcel boundaries. Instead, the letter endorses measuring a further distance, from the official's home to the actual site of the project.

<p><b>Roger A. Brown</b> <b>Peninsula Health Care District</b> <b>Dated January 15, 2002</b> <b>Our File Number: A-01-286</b></p> <p><b>Peter N. Brown, City Attorney</b> <b>City of Carpinteria</b> <b>Dated January 8, 2002</b> <b>Our File No. A-01-287</b></p> <p><b>Terence R. Boga, Assistant City Attorney</b> <b>City of Seal Beach</b> <b>Dated January 7, 2002</b> <b>Our File Number: I-01-293</b></p> <p><b>Eric Grant</b> <b>Simon for Governor</b> <b>Dated January 29, 2002</b> <b>Our File Number: I-01-299</b></p> <p><b>Sharee Washer</b> <b>California Valley Community Services District</b> <b>Dated January 23, 2002</b> <b>Our File Number: I-01-304</b></p>	<p>A request for reconsideration of the <i>Coffey</i> Advice Letter, No. A-01-064 where we concluded that a member of a health care district board may not participate in settlement decisions involving litigation with a hospital and earthquake compliance issues where the hospital is a source of income to her. The <i>Coffey</i> analysis and conclusion were reaffirmed in the letter since no new facts were provided.</p> <p>A public official may appear as any member of the general public before an agency in the course of its prescribed governmental function, to represent himself on matters related solely to his personal interests, but may not act as a spokesperson on behalf of any other group or individual. When acting on his own behalf, he may communicate with the media, but may not contact members of the governing board regarding the issue, and when speaking with the media or members of the public, he must make it clear that he is not acting as the spokesperson for any person or group other than himself.</p> <p>A mayor and a city council member, who have real property interests in their respective residences and common areas in a housing complex, may make a governmental decision concerning a development that is more than 500 feet from their respective residences, but less than 500 feet from the common areas of the complex, if after separately applying the appropriate materiality standards to their residential interests and their common area interests, there is no reasonably foreseeable material financial effect on the interests. The “public generally” exception may apply, if a significant segment of the public is affected in a similar manner.</p> <p>A candidate for statewide elective office may be required to report on his statement of economic interests (Form 700), investment interests in charitable lead annuity trusts (CLATs) in which he has remainder beneficiary interests for each interest that is valued at \$2,000 or more. The candidate may rely upon an appraisal by a disinterested qualified appraiser in determining the value of such interests.</p> <p>The director of a community services district is not precluded from participating in a decision affecting an upgrade to a fire station even though the member is also a volunteer firefighter for the California Department of Forestry.</p>
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<p><b>David A. DeBerry</b> City of Orange Dated January 8, 2002 Our File Number: I-02-002</p> <p><b>Nathan Randal</b> City of Monterey Park Dated January 18, 2002 Our File Number: I-02-007</p>	<p>A general discussion of legally required participation as applied where a member of the decision-making body is unavailable. Discusses <i>In re Tobias</i> (1999) 13 FPPC Ops. 5.</p> <p>The Act does not bar private employment. However, the conflict-of-interest provisions may require the official to disqualify himself from a specific decision affecting that private business. Government Code § 1090 also imposes restrictions on officials contracting with their own agencies. The Office of the Attorney General advises on § 1090.</p>
<p><b>§ 84308</b></p>	
<p><b>Linda Parks</b> Local Agency Formation Commission Dated January 11, 2002 Our File Number: I-01-146</p>	<p>A LAFCO Commissioner who was also an elected city council member was not required to recuse herself under Government Code § 84308(c) from a vote regarding annexation that includes land owned by a contributor to a county ballot measure committee of which she was a controlling officer. However, Government Code § 84308(b) would prohibit her from accepting, receiving, soliciting, or directing a contribution from a party or participant in the proceeding while the entitlement proceeding is pending before the LAFCO and for three months after the final decision is rendered in the proceeding.</p>
<p><b>Lobbying</b></p>	
<p><b>Ellen McCormick</b> AstraZeneca Pharmaceuticals, LP Dated January 29, 2002 Our File Number A-02-013</p>	<p>The Commission is not authorized to grant a waiver of the ethics training requirement in § 86100(a).</p>
<p><b>Revolving Door</b></p>	
<p><b>Ronald W. Wong</b> Ronin International Advisors Dated January 29, 2002 Our File No. A-02-003</p>	<p>Application of the revolving door restrictions of section 87406(d)(1) to the former chief deputy appointments secretary in the Governor's office. For a period of one year, he may not make formal or informal communications with members of the Governor's office or a state agency under the Governor's control, for the purpose of influencing legislative or administrative action or action on a proceeding.</p>